

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRACEY SMITH,

Plaintiff,

v.

Case No. 2:14-cv-13795  
District Judge David M. Lawson  
Magistrate Judge Anthony P. Patti

THE FOOD BANK OF EASTERN  
MICHIGAN,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION AND AMENDED MOTIONS  
TO COMPEL (DE 33, 35, 40, 42, 46, and 52) AND EXTENDING  
PLAINTIFF'S DEADLINE FOR RESPONDING TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT (DE 48)**

**I. The Instant Motions**

On October 19, 2015, Plaintiff filed a motion to dismiss or, in the alternative, for all requested discovery. (DE 33.) She filed amended versions of that motion on October 30, 2015 (DE 35), November 6, 2015 (DE 40), November 25, 2015 (DE 44), November 30, 2015 (DE 46), and December 17, 2015 (DE 52). In her motions, Plaintiff contends that Defendant's responses to her discovery requests were untimely, as she served her requests upon Defendant in July of 2015 but did not receive its responses until October 27, 2015, immediately after the first

day of her deposition. Defendant opposes the motion, asserting that it provided the responses, thereby rendering Plaintiff's various motions moot.

This matter came before the Court for a hearing on December 23, 2015. For the reasons stated on the record, Plaintiff's motion and amended motions are **GRANTED**. Specifically, the Court found that, Defendant waived its objections, pursuant to Fed. R. Civ. P. 33(b)(2) and (4) and 34(b)(2), by failing to respond and object within the timeframe allowed. Accordingly, Defendant's objections are stricken, except where the Court has found good cause to limit the scope of discovery as described below, and Defendant is **ORDERED** to supplement its responses to the following discovery requests on or before January 18, 2016:

**A. Plaintiff's Interrogatories**

Defendant shall fully supplement its responses to numbers 1(c), 2(b) and 2(c). In addition, Defendant shall supplement its responses to numbers 4 and 5, but limit the scope of those responses to managers who worked for Defendant within the last ten years. Similarly, Defendant shall supplement its response to number 6, but limit its scope to the record of Ramona Filipovic. Finally, Defendant shall supplement its response to number 8, subject to a ten-year time limitation and limited to lawsuits involving employment, discrimination, or civil rights.

**B. Plaintiff's Requests for Production of Documents**

Defendant shall produce documents responsive to number 3, limited to employee Savanna Saintpierre and subject to a protective order, to be subsequently entered. In addition, Defendant shall provide documents responsive to number 14, but limit its response to the restructuring of Plaintiff's department. Finally, Defendant shall provide documents responsive to number 18, but will limit those documents to civil rights complaints.

## **II. Further Disposition**

As a result of my ruling on the above, several deadlines must be revised. First, pursuant to docket entry 50, Plaintiff was required to respond to Defendant's pending motion for summary judgment by January 11, 2016. This deadline will be extended to **FEBRUARY 18, 2016**. Defendant's reply will be filed fourteen days after receipt of Plaintiff's response.

Second, some of Defendant's discovery responses will necessarily provide information about non-party employees. Accordingly, the parties will work together to file a proposed stipulated protective order on the Court's docket on or before January 6, 2016. If the parties cannot agree on a stipulated protective order, both parties must file their proposed orders by January 6, 2016 for decision by the Court.

**IT IS SO ORDERED.**

Dated: December 23, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing was sent to parties of record on December 23, 2015, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti